

# Ex. C

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEW JERSEY  
3  
4 -----X  
5 IN RE JOHNSON & JOHNSON ) MDL No.  
6 TALCUM POWDER PRODUCTS ) 16-2738 (FLW)(LHG)  
7 MARKETING SALES PRACTICES, )  
8 AND PRODUCTS LIABILITY )  
9 LITIGATION )  
10 )  
11 THIS DOCUMENT RELATES TO )  
12 ALL CASES )

13 -----X  
14 V O L U M E I  
15 VIDEOTAPED 30(b)(6) DEPOSITION OF DEFENDANT  
PERSONAL CARE PRODUCTS COUNCIL  
16 by and through its Designated Representative,  
17 LINDA LORETZ, M.D.  
18 WASHINGTON, D.C.  
19 TUESDAY, JULY 17, 2018  
20 9:10 A.M.

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22  
23  
24  
25 Reported by: Leslie A. Todd

1           A       That's what this says, yes.

2           Q       But going back to up to where we were  
3       just talking about "talc never had asbestos  
4       issues, but it's problematic to attempt to address  
5       any particular company's issues in the document,"  
6       that's what we were talking about just a few  
7       minutes ago. J&J is concerned about their baby  
8       powder getting lumped in with other -- other baby  
9       powders that they say had asbestos in it, right?

10          A       Of they could --

11                   MS. FRAZIER: Objection to form.

12                   MR. LOCKE: Objection to form.

13                   THE WITNESS: I was going to say the  
14       issue, as I understand, in the early '70s, it was  
15       unresolved whether there were some findings, and  
16       then it wasn't clear whether they were correct.

17                   But, yes, J&J had said that theirs never  
18       had any asbestos, that they did additional  
19       testing, and that the question of whether there  
20       was any asbestos in some other talcs, I think was  
21       not fully resolved.

22       BY MR. MEADOWS:

23           Q       Okay. Have you ever heard the phrase  
24       "the fatal law defense"?

25           A       No. I saw it in my review of documents,

1 Q So the first time you ever learned the  
2 phrase "fatal flaw defense" was when talking to  
3 lawyers in preparation for this deposition?

4 A That is correct.

5 Q What's your understanding of what the  
6 "fatal flaw defense" is?

7 A I don't really know. It's not my phrase  
8 or -- I don't know.

9 Q When you were preparing for this  
10 deposition, did you not take an opportunity to  
11 learn what it means?

12 MR. LOCKE: Objection to form. You know  
13 it's not a PCPC document.

14 BY MR. MEADOWS:

15 Q There is no document on the table. I'm  
16 asking you a question. You learned about the  
17 fatal flaw defense. Did you take time to learn  
18 what that means?

19 MR. LOCKE: Objection to form.

20 THE WITNESS: I think what it means is  
21 in the mind of someone else. I -- I would only  
22 speculate.

23 BY MR. MEADOWS:

24 Q My question is very simple, did you take  
25 the time to educate yourself on what the fatal